

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1268 of 1997

in

SPECIAL CIVIL APPLICATION No 6578 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DHIRAJLAL OCHHAVLAL CHAUHAN

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION

Appearance:

MR YATIN SONI for Appellant

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 18/02/99

ORAL JUDGEMENT (Per Patel, J.)

Unsuccessful petitioner before the learned Single

Judge in Special Civil Application No. 6578 of 1997 has preferred this L.P.A against the decision rendered by the learned Single Judge in the aforesaid petition on 9.9.1997.

2. The appellant, while discharging his duties as Conductor in a GSRTC bus, was found by the checking squad to have permitted ticketless passengers to travel in the bus which was under his control. After charge sheeting and giving opportunity to the appellant and after holding inquiry in accordance with law, the services of the appellant came to be terminated. It transpires that an appeal was preferred before the appellate authority but finding it fruitless, the appellant made another attempt by preferring a second appeal being No. 124/90 which came to be disposed of by an order dated 25.3.1994. Copy of the decision of the second appellate authority is at page 27 of the compilation, whereby the order dismissing the petitioner was set aside, the petitioner was reinstated with continuity of service without any backwages and he was placed at the initial grade of the Conductor.

3. Learned Single Judge has observed that after a period of nearly three and a half years, and after retirement, the Special Civil Application has been filed. The cause advanced before the learned Single Judge was that he was threatened by the officers of the Corporation and as he was afraid, he filed the petition after retirement. Learned Single Judge found that explanation is not plausible. We put a pointed question to the learned advocate appearing for the appellant that if that was the case, then why the appellant has not named the officer who threatened him and has not given any details as to the date of the incident, place where he was threatened, etc.? The averments are vague and no reliance can be placed on such averments. Needless to state that such vague averments need not be replied.

4. Our attention was drawn to paragraph 2.5 of the Special Civil Application wherein it is alleged that the respondent Corporation had given understanding to the appellant that "the respondent Corporation will reinstate the petitioner with a condition that the petitioner has to forgo his backwages". Even with regard to this allegation, no details whatsoever are given. Even in the application Annexure 'D', there is nothing to show that he was assured by the Corporation or its officers, and therefore, the said application is filed. It seems that realising that there is strong evidence, he requested for lesser punishment and the Corporation accepted the same,

probably considering the long services rendered by him.

5. Having gone through the documents and having heard the learned advocate, we find no reason to interfere with the order passed by the learned Single Judge. Hence this appeal stands dismissed.

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